

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**NORTHERN DIVISION**

---

**SARA KING-FLITTON,**

**Plaintiff,**

**v.**

**DAVIS SCHOOL DISTRICT, et al.,**

**Defendants.**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 1:14CV97DAK**

**Judge Dale A. Kimball**

---

On January 19, 2017, this court issued an Order to Show Cause why Defendant Davis School District's Motion for Summary Judgment should not be granted. Defendant filed its Motion for Summary Judgment on November 30, 2016. Plaintiff did not oppose the motion or respond to this court's Order to Show Cause. The court's Order to Show Cause notified Plaintiff that failure to respond to the Order to Show Cause would result in the court granting Defendant's Motion for Summary Judgment.

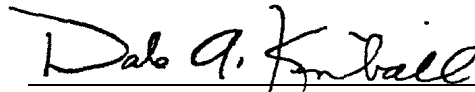
Defendant has demonstrated that it is entitled to summary judgment based on the *Faragher/Ellerth* defense because Defendant had appropriate sexual harassment policies, took steps to disseminate and make the policy available, and Plaintiff failed to fill out a complaint form or inform anyone at the school district that a problem existed. *See Faragher v. City of Boca Raton*, 524 U.S. 775, 807 (1998). In addition, Plaintiff has failed to establish a viable claim for retaliation because she failed to report any claim of sexual harassment to a school district official in accordance with the school district's policy and, thus, failed to engage in protected action. *See Argo v. Blue Cross of Kansas*, 452 F.3d 1193, 1202 (10<sup>th</sup> Cir. 2006). Moreover, Defendant has

submitted un rebutted testimony that the persons interviewing Plaintiff did so without any input from anyone in the school district and without any knowledge of any sexual harassment claim by Plaintiff. Accordingly, the court concludes that Defendant is entitled to summary judgment.

Therefore, based on the reasoning in Defendants' Motion for Summary Judgment, Defendant's motion is GRANTED. The Clerk of Court is directed to enter judgment in favor of Defendant and close the case.

DATED this 8th day of February, 2017.

BY THE COURT:

  
\_\_\_\_\_  
DALE A. KIMBALL  
United States District Judge